

REMARKS

In the Final Office Action dated February 17, 2006, claims 1, 3-8, 10, 12-16 and 18-23 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. US 6,285,398 ("Shinsky et al.") in view of U.S. Patent Application No. US 2004/0169767 A1 ("Norita et al.").

In response, Applicant has amended the independent claims 1, 10 and 18 to more clearly distinguish the claimed invention from the cited references of Shinsky et al. and Norita et al. As amended, Applicant respectfully asserts that the independent claims 1, 10 and 18 are not obvious in view of Shinsky et al. and Norita et al., as explained below, and requests that these claims, as well as the dependent claims 3-8, 12-16 and 19-23, be allowed.

A. Patentability of Amended Independent Claims 1, 10 and 18

As amended, the independent claim 1 recites the limitations of "*processing raw image data of a single image of a captured scene of interest using a first setting of a selected image-capturing parameter to capture the first image; and processing the raw image data using a second setting of the selected image-capturing parameter to capture the second image, the processing of the raw image data using the first setting and the processing of the raw image data using the second setting being performed substantially in parallel without user interaction.*" Such limitations are not disclosed in the cited references of Shinsky et al. and Norita et al. Thus, the amended independent claim 1 is not obvious in view of the cited references.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The Final Office Action of February 17, 2006 states on page 4 that "[t]he host computer (200) processes the raw image data in order to continually adjust the gain and appropriately adjust the control signals according to input of a user via a graphical user interface, thus multiple images are produced according to the updated image capturing parameters." Even assuming that this statement is true, the cited reference of Shinsky et al. does not

disclose the claimed limitations of "*processing raw image data of a single image of a captured scene of interest using a first setting of a selected image-capturing parameter to capture the first image; and processing the raw image data using a second setting of the selected image-capturing parameter to capture the second image, the processing of the raw image data using the first setting and the processing of the raw image data using the second setting being performed substantially in parallel without user interaction.*" Thus, Applicant respectfully asserts that the amended independent claim 1 is not obvious over Shinsky et al. in view of Norita et al., and requests that this amended independent claim be allowed.

The above remarks are also applicable to the amended independent claims 10 and 18, which recite similar limitations. As such, Applicant respectfully asserts that the amended independent claims 10 and 18 are also not obvious over Shinsky et al. in view of Norita et al., and requests that these amended independent claims be allowed.

B. Patentability of Dependent Claims 3-8, 12-16 and 19-23

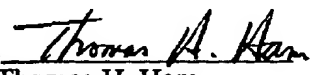
Each of the dependent claims 3-8, 12-16 and 19-23 depends on one of the amended independent claims 1, 10 and 18. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicant respectfully requests reconsideration of the claims in view of the claim amendments and the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Dwight Poplin

Date: June 19, 2006

By: 
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300